

AMENDED IN SENATE AUGUST 22, 2006

AMENDED IN SENATE JUNE 22, 2006

AMENDED IN SENATE AUGUST 15, 2005

AMENDED IN ASSEMBLY MAY 27, 2005

AMENDED IN ASSEMBLY MAY 4, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1535**

---

**Introduced by Assembly Member Nunez**

February 22, 2005

---

An act to amend Sections 51795, 51796, 51797, and 51798 of, ~~and~~ to add Sections ~~51795.5~~ 51796.2 and 51796.5 to, *and to repeal Section 51798 of*, the Education Code, relating to school gardens, *and making an appropriation therefor*.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1535, as amended, Nunez. School instructional gardens: pupil nutrition.

(1) Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens by eligible educational agencies, as defined. Existing law requires that the program be administered by the State Department of Education through the allocation of one-time grants and technical assistance to applicant eligible educational agencies. Existing law authorizes the department to consult with the California Integrated Waste Management Board (CIWMB) and public institutions of higher education, regarding curriculum development and evaluation of any

program established pursuant to the Instructional School Gardens Program.

~~This bill instead would require the CIWMB to administer the program, in consultation with the State Department of Education, the Department of Food and Agriculture, and the State Department of Health Services. This bill would align the program with the statewide environmental education program and would include an agricultural education component in the program. This bill would provide that educational agencies interested in participating in the Instructional School Gardens Program apply to the CIWMB for grants. This bill authorizes the CIWMB to establish an advisory group involving other agencies and groups with expertise in instructional school gardens, to provide technical assistance, resources, in-kind support, site visits, and other related forms of support. The bill would require the CIWMB, on or before March 1, 2008, and annually thereafter, to report to the Legislature and the Governor on its implementation of the program, including specified information, as part of the required annual report of the CIWMB pursuant to a specified provision.~~

~~This bill would require educational agencies applying for grants to provide specific information about the goals and objectives for their instructional school gardens and plans detailing how they plan to meet the goals and objectives. This bill would limit the use of funding for the program to costs directly related to implementing the instructional school garden and would prohibit the use of more than 5% of the funding awarded for administrative costs.~~

*This bill would revise those provisions to make grants and technical assistance available to charter schools as well as school districts and county offices of education. The bill, instead of requiring the department to consult with specified entities, would require the Superintendent of Public Instruction to convene an interagency working group on instructional school gardens, which would include, but not be limited to, representatives of the State Department of Education, the Department of Food and Agriculture, the State Department of Health Services, and the CIWMB. The bill would require that interagency working group to advise the Superintendent on, among other things, effective and efficient means of encouraging school districts, charter schools, and county offices of education to establish and maintain instructional school gardens. The bill would authorize the Superintendent to establish an advisory group involving other agencies and groups with expertise in instructional school*

*gardens, which would include, but not be limited to, the California Environmental Education Interagency Network. The bill would provide that the purpose of that advisory group is to support program efforts, as specified. The bill would require the Superintendent to use existing resources to establish the interagency working group and advisory group.*

*The bill would authorize school districts, charter schools, and county offices of education to apply to the Superintendent for funding during the period from the 2006–07 fiscal year to the 2008–09 fiscal year, inclusive, in a manner determined by the Superintendent. The bill would require applications, at a minimum, to indicate the school or schools at which the instructional school gardens are, or are to be, located; the grade level or grade levels to be targeted; the potential number of classes within the grade levels and number of pupils who would use the instructional school gardens; and the intended items of expenditure for any funds received. The bill would limit the grants to a maximum of \$2,500 per schoolsite, except that a school district, charter school, or county office of education that applies on behalf of one or more schoolsites with an enrollment of 1,000 or more pupils would be eligible for a grant of a maximum of \$5,000 per schoolsite with an enrollment of 1,000 or more pupils. The bill would permit the Superintendent to award a grant during the period from the 2006–07 fiscal year to the 2008–09 fiscal year, inclusive, for instructional school garden equipment or supplies to a school district, charter school, or county office without requiring that district, charter school, or county office to have received a grant for instructional school garden professional development. The bill would require a school, school district, or county office of education, as a condition of receiving funding, within 6 months of the final expenditure of the instructional school garden funds received to report to the Superintendent, in a manner prescribed by the Superintendent, regarding the use of the funds and the manner in which the instructional school garden or gardens are used to complement the academic program of the participating school or schools.*

~~(2) Existing law requires the CIWMB to give preferential consideration during its annual discretionary grant funding process to providing an appropriate level of funding to the program.~~

~~This bill instead would establish the Instructional School Garden Account within the State Treasury and would permit the CIWMB to expend money from the account upon appropriation by the~~

~~Legislature. This bill would allow the CIWMB to accept and receive funding and other contributions from federal, state, and local sources as well as from public and private organizations and individuals. This bill would permit proceeds from court judgments that have been designated for instructional programs or instructional school gardens to be included within the account. This bill also would authorize the CIWMB to accept nonmonetary contributions. The bill would provide that contributions received by the CIWMB for the program are charitable contributions, as specified. This bill would require the transfer of \$100,000 each year for 5 years from the Integrated Waste Management Account into the Instructional School Garden Account. The bill would limit the use of these funds to the goals established pursuant to a specified provision. The bill would require funds deposited into the account that are not for immediate use be transferred to an interest bearing account.~~

~~(3)~~

~~(2) Existing law provides that the program will be implemented only if funds are available for it.~~

~~This bill would specify that the funding necessary for implementation is the funding received by the CIWMB and included within the Instructional School Garden Account.~~

~~This bill would repeal that provision.~~

~~(3) Existing law reappropriates \$15,000,000 to supply schools with garden supplies and equipment. Existing law requires the department to allocate a minimum of \$500 to each school, as specified, and allocates the balance of remaining funds to school districts on a per-pupil basis.~~

~~This bill, instead, would reappropriate those funds for the period from the 2006–07 fiscal year to the 2008–09 fiscal year, inclusive, to supply school districts, charter schools, and county offices of education with garden equipment, supplies, and professional development related to the establishment or operation of instructional school gardens, as specified.~~

~~Vote: majority. Appropriation: no-yes. Fiscal committee: yes. State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51795 of the Education Code is  
2 amended to read:

1 51795. The Legislature finds and declares all of the  
2 following:

3 (a) School gardens provide an interactive, hands-on learning  
4 environment in which pupils learn composting and waste  
5 management techniques, fundamental concepts about nutrition  
6 and obesity prevention, and the cultural and historical aspects of  
7 our food supply. School gardens also foster a better  
8 understanding and appreciation of where food comes from, how  
9 food travels from the farm to the table, and the important role of  
10 agriculture in the state, national, and global economy.

11 (b) Encouraging and supporting school gardens creates  
12 opportunities for children to learn to make healthier food choices,  
13 participate more successfully in their education experiences, and  
14 develop a deeper appreciation of their community.

15 (c) School garden programs can equally enhance any subject  
16 area including science, environmental education, mathematics,  
17 reading, writing, art, nutrition, physical education, history, and  
18 geography. School gardens provide a unique setting in which  
19 improved pupil performance can be achieved.

20 ~~SEC. 2. Section 51795.5 is added to the Education Code, to~~  
21 ~~read:~~

22 ~~51795.5. For purposes of this article, the following terms~~  
23 ~~have the following meanings:~~

24 ~~(a) "Board" means the California Integrated Waste~~  
25 ~~Management Board.~~

26 ~~(b) "Eligible educational agency" means a school district or~~  
27 ~~county office of education.~~

28 ~~SEC. 3.~~

29 ~~SEC. 2. Section 51796 of the Education Code is amended to~~  
30 ~~read:~~

31 51796. (a) The Instructional School Gardens Program is  
32 hereby established for the promotion, creation, and support of  
33 instructional school gardens through the allocation of grants to  
34 ~~eligible educational agencies, or through technical assistance~~  
35 ~~provided to, school districts, charter schools, or county offices of~~  
36 ~~education.~~ The program shall be administered by the ~~board in~~  
37 ~~consultation with the State Department of Education, the~~  
38 ~~Department of Food and Agriculture, and the State Department~~  
39 ~~of Health Services. This program shall be aligned with the~~  
40 ~~statewide environmental education program established pursuant~~

1 to Part 4 (commencing with Section 71300) of Division 34 of the  
2 Public Resources Code and shall include an agricultural  
3 education component as outlined in Section 8981 of the  
4 Education Code. Any eligible educational agency interested in  
5 participating in the Instructional School Gardens Program may  
6 apply to the board for a grant. *State Department of Education.*

7 (b) ~~In implementing this article, the board may establish an~~  
8 ~~advisory group involving other agencies and groups with~~  
9 ~~expertise in instructional school gardens, including, but not~~  
10 ~~limited to, the California Environmental Education Interagency~~  
11 ~~Network. The purpose of the advisory group is to support~~  
12 ~~program efforts through technical assistance, resources, in-kind~~  
13 ~~support, site visits, and other related efforts.~~

14 (c) ~~On or before March 1, 2008, and annually thereafter, the~~  
15 ~~board shall report to the Legislature and the Governor on its~~  
16 ~~progress in implementing this article in its annual report pursuant~~  
17 ~~to Section 40507 of the Public Resources Code. The report on the~~  
18 ~~implementation of this article shall include, but not be limited to,~~  
19 ~~all of the following:~~

20 (1) ~~The number of grant applications submitted and awarded~~  
21 ~~by county.~~

22 (2) ~~A summary of the program activities in which nonpublic~~  
23 ~~partners were involved.~~

24 (3) ~~A list of the agencies and groups on the advisory~~  
25 ~~committee.~~

26 (b) *The Superintendent shall convene an interagency working*  
27 *group on instructional school gardens that shall include, but not*  
28 *be limited to, representatives of the State Department of*  
29 *Education, the Department of Food and Agriculture, the State*  
30 *Department of Health Services, and the California Integrated*  
31 *Waste Management Board. The working group shall advise the*  
32 *Superintendent on all of the following:*

33 (1) *Effective and efficient means of encouraging school*  
34 *districts, charter schools, and county offices of education to*  
35 *develop and maintain a quality instructional school garden*  
36 *program.*

37 (2) *The availability of state and nonstate resources and*  
38 *technical assistance to help school districts, charter schools, and*  
39 *county offices of education in establishing and maintaining*  
40 *instructional school gardens.*

1     (3) *Public and private partnerships available to assist school*  
2 *districts, charter schools, and county offices of education in*  
3 *using instructional school gardens to complement the academic*  
4 *program of participating schools.*

5     (c) *The Superintendent may establish an advisory group*  
6 *involving other agencies and groups with expertise in*  
7 *instructional school gardens, including, but not limited to, the*  
8 *California Environmental Education Interagency Network. The*  
9 *purpose of the advisory group is to support program efforts*  
10 *through technical assistance, resources, in-kind support, site*  
11 *visits, and other related efforts.*

12     (d) *The Superintendent shall use existing resources to comply*  
13 *with subdivisions (b) and (c).*

14     SEC. 3. *Section 51796.2 is added to the Education Code, to*  
15 *read:*

16     51796.2. (a) *A school district, charter school, or county*  
17 *office of education may apply to the Superintendent for funding*  
18 *during the period from the 2006–07 fiscal year to the 2008–09*  
19 *fiscal year, inclusive, under this article in a manner determined*  
20 *by the Superintendent. The application, at a minimum, shall*  
21 *indicate the school or schools at which the instructional school*  
22 *gardens are, or are to be, located; the grade level or grade levels*  
23 *to be targeted; the potential number of classes within the grade*  
24 *levels and number of pupils who would use the instructional*  
25 *school gardens; and the intended items of expenditure for any*  
26 *funds received.*

27     (b) *The Superintendent shall distribute the grants applied for*  
28 *pursuant to subdivision (a) to school districts, charter schools, or*  
29 *county offices of education as follows:*

30     (1) *Each grant shall be not more than two thousand five*  
31 *hundred dollars (\$2,500) per schoolsite, except that a district,*  
32 *charter school, or county office of education that applies on*  
33 *behalf of at least one schoolsite with an enrollment of 1,000 or*  
34 *more pupils may receive a grant of not more than five thousand*  
35 *dollars (\$5,000) per schoolsite with an enrollment of 1,000 or*  
36 *more pupils.*

37     (2) *The receipt of a grant during the period from the 2006–07*  
38 *fiscal year to the 2008–09 fiscal year, inclusive, for instructional*  
39 *school garden equipment or supplies by a school district, charter*  
40 *school, or county office of education shall not be dependent on*

1 *the receipt of a grant for instructional school garden*  
2 *professional development by the same district, charter school, or*  
3 *county office.*

4 *SEC. 4. Section 51796.5 is added to the Education Code, to*  
5 *read:*

6 *51796.5. As a condition of the receipt of funds pursuant to*  
7 *this article, a school district, charter school, or county office of*  
8 *education, within six months of the final expenditure of funds*  
9 *received, shall report to the Superintendent, in a manner*  
10 *prescribed by the Superintendent, regarding the use of funds and*  
11 *the manner in which the instructional school garden or gardens*  
12 *are used to complement the academic program of the*  
13 *participating school or schools.*

14 *SEC. 5. Section 51798 of the Education Code is repealed.*

15 ~~51798. This article shall be implemented only if funds~~  
16 ~~become available from private donations, special fund money, or~~  
17 ~~federal money, or any combination thereof, for the purposes of~~  
18 ~~this article.~~

19 *SEC. 6. Notwithstanding Provision (19) of Item 6110-485*  
20 *Section 2.00 of the Budget Act of 2006 (Ch. 47, Stats. 2006) and*  
21 *Section 13340 of the Government Code, the funds reappropriated*  
22 *in that provision shall be available during the period from the*  
23 *2006–07 fiscal year to the 2008–09 fiscal year, inclusive, to*  
24 *school districts, charter schools, and county offices of education*  
25 *for equipment, supplies, and professional development related to*  
26 *the establishment or operation of instructional school gardens*  
27 *pursuant to Article 8.5 (commencing with Section 51795) of*  
28 *Chapter 5 of Part 28 of the Education Code.*

29 ~~SEC. 4. Section 51796.5 is added to the Education Code, to~~  
30 ~~read:~~

31 ~~51796.5. (a) The board shall establish a grant program to~~  
32 ~~provide funding to eligible educational agencies to assist in the~~  
33 ~~development and implementation of instructional school garden~~  
34 ~~programs.~~

35 ~~(b) In order to be considered for grants, eligible educational~~  
36 ~~agencies are required to provide specific information including,~~  
37 ~~but not limited to, the goals and objectives for their instructional~~  
38 ~~school gardens and action plans for how the goals and objectives~~  
39 ~~are to be carried out, including the grade level or grade levels to~~  
40 ~~be targeted.~~



1 ~~(e) Funding shall be used for costs directly related to the~~  
2 ~~implementation of the instructional school garden.~~  
3 ~~Administrative overhead costs shall not exceed 5 percent of the~~  
4 ~~total funding awarded.~~

5 SEC. 5. ~~Section 51797 of the Education Code is amended to~~  
6 ~~read:~~

7 ~~51797. (a) The Instructional School Garden Account is~~  
8 ~~hereby established within the State Treasury. Moneys in the~~  
9 ~~account may, upon appropriation by the Legislature, be expended~~  
10 ~~by the board, for the purposes of this article. The board shall~~  
11 ~~administer this article, including, but not limited to, the account.~~

12 ~~(b) Notwithstanding any other provision of law to the contrary,~~  
13 ~~the board may accept and receive federal, state, and local funds~~  
14 ~~and contributions of funds from a public or private organization~~  
15 ~~or individual. The account may also receive proceeds from a~~  
16 ~~judgment in state or federal court when the funds are contributed~~  
17 ~~or the judgment specifies that the proceeds are to be used for the~~  
18 ~~purposes of this part, including, but not limited to, those funds,~~  
19 ~~contributions, or proceeds from judgments that are specifically~~  
20 ~~designated for use for school garden purposes.~~

21 ~~(c) The board shall immediately deposit any funds contributed~~  
22 ~~pursuant to subdivision (b) into the account.~~

23 ~~(d) The board shall also accept nonmonetary contributions.~~

24 ~~(e) Contributions received by the board pursuant to this article~~  
25 ~~are charitable contributions to the extent authorized under the~~  
26 ~~Revenue and Taxation Code.~~

27 ~~(f) The board shall transfer one hundred thousand dollars~~  
28 ~~(\$100,000) annually for five years from the Integrated Waste~~  
29 ~~Management Account, established pursuant to Section 48001 of~~  
30 ~~the Public Resources Code, into the account. However, these~~  
31 ~~funds shall only be used to meet the goals established pursuant to~~  
32 ~~Section 42630 of the Public Resources Code.~~

33 ~~(g) Funds deposited into the account that are not for immediate~~  
34 ~~use shall be transferred into an interest bearing account~~  
35 ~~established for this purpose. However, these funds shall be~~  
36 ~~available for expenditure by the board for the purposes of this~~  
37 ~~article upon appropriation by the Legislature pursuant to~~  
38 ~~subdivision (a).~~

39 SEC. 6. ~~Section 51798 of the Education Code is amended to~~  
40 ~~read:~~

1     ~~51798. This article shall be implemented only if funds~~  
2     ~~become available from private donations, special fund money,~~  
3     ~~federal money, or any combination thereof, for purposes of this~~  
4     ~~article, pursuant to Section 51797.~~

O